

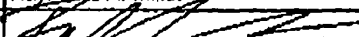
PTO/SB/17 (10-03)

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<h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">for FY 2004</h3> <p style="font-size: small; margin: 0;">Effective 10/01/2003. Patent fees are subject to annual revision.</p>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	
		Filing Date	
		First Named Inventor	
		Examiner Name	
		Art Unit	
		Attorney Docket No.	
TOTAL AMOUNT OF PAYMENT		(\$ 130.00)	

METHOD OF PAYMENT (check all that apply) <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account: Deposit Account Number: 50-0436 Deposit Account Name: Pepper Hamilton LLP The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.				FEE CALCULATION (continued)																																																																																																																																																							
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SUBMITTED BY				(Complete if applicable)	
Name (Print/Type)		Raymond A. Miller		Registration No.	42,891
Signature				Telephone	412.454.5000
				Date	October 2, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TH

Pepper Hamilton LLP

Attorneys at Law

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Pittsburgh, PA 15219-2502
412-454-5023
Fax 412.281.0717
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I. FAX INFORMATION SHEET

Date: October 2, 2003

ID Number: 61297

Identifier: 122467.1501

Recipient
Company: **DIRECTOR - TC3600**
USPTO

Recipient's General Number: 703-872-9325
Recipient's Fax Number(s): 703-872-9306

Sender: Raymond A. Miller, Reg. No. 42,891
Sender's Direct Line: 412-454-5013
Sender's Email Address: millerra@pepperlaw.com

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OCT 03 2003

Docket No. 122467.1501

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Educational Testing Service :
Serial No. 10/080,533 : Group Art Unit:
Filed: February 22, 2002 : Examiner:
For: PORTAL ASSESSMENT DESIGN SYSTEM FOR EDUCATIONAL
TESTING

**PETITION AND FEE TO SUSPEND RULES UNDER 37 C.F.R. § 1.183 AND TO
WITHDRAW THE REQUEST FOR A SIR PRIOR TO PUBLICATION**

Commissioner for Patents
Box DAC
Alexandria, VA 22313

Sir:

This petition is to request the suspension of rules pursuant to 37 C.F.R. §1.183.

Applicant respectfully requests a Suspension of Rules pursuant to 37 C.F.R. §1.183. Applicant hereby authorizes the required fee of \$130.00 for payment of fees under 37 CFR§1.17(h) to be withdrawn from Applicant's deposit account No. 50-0436.

Applicant filed the above reference application as a statutory invention registration (SIR) application with a filing date of February 22, 2002.

In accordance with MPEP §1109 Applicant respectfully requests the withdrawal of the SIR application. Applicant has received a Notice of Intent to Publish dated August 15, 2003 and this Petition to Withdraw is being made timely as the SIR has not yet published, it is respectfully requested that the SIR be withdrawn.

Suspension of Rules, 37 C.F.R. §1.183 provides that "[I]n an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner. . ." Applicant maintains that in the present situation, justice requires the waiver of the rules. The Applicant maintains that no harm would result if a request for the withdrawal of the SIR application was granted. The Applicant maintain that preservation of its patent rights would result if such a request was granted.

Docket No. 122467.1501

PATENT

The Applicant maintains that there has been no detrimental reliance by third parties on the SIR application. The SIR application has not been published to date. No third party would reasonably rely on the SIR disclosure as prior art. The Applicant maintains that the request to withdraw the SIR application would not result in harm to any third party.

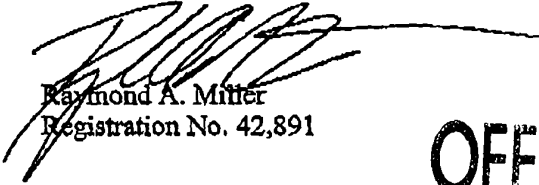
The Applicant maintains the right to file a continuing application claiming priority to the SIR application. See MPEP 1111. Additionally, the Applicant maintains the right to expressly abandon the SIR application in favor of the continuing application. Therefore, Applicant's patent rights to continue seeking patent protection for the above identified invention is thus preserved.

Applicant believes that the fees required are satisfied by the enclosed check in the amount of \$130.00, however if additional fees are required, the Commissioner is hereby authorized to charge the deposit account No. 50-0436 for any additional fees that may be due in connection with this petition.

Should the Examiner have any questions or comments regarding this petition or the matters discussed herein, the Examiner is invited to contact the undersigned at (412) 454-5813.

Respectfully submitted,

PEPPER HAMILTON LLP


Raymond A. Miller
Registration No. 42,891

OFFICIAL

Date: October 2, 2003
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500 Grant Street, 50th Floor
Pittsburgh, PA 15219
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